IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 18TH DECEMBER 2006 / 27TH AGRAHAYANA 1928

WP(C).No. 22113 of 2006(G)

PETITIONER:

K.P.PRAMEELA, D/O. K.P.CHANDAPPAN,
KANAKKANCHERY HOUSE, MANAGER, AUP SCHOOL,
KUNNAMANGALAM, KOZHIKODE.

BY ADV. SRI.BIJU ABRAHAM
SRI.B.G.BHASKAR

RESPONDENTS:
----

1. STATE OF KERALA, REPRESENTED BY
CHIEF SECRETARY.

2. ASSISTANT EDUCATIONAL OFFICER,
KUNNAMANGALAM.

3. P.LESSY, D/O. RAGHAVAN,
PERADY HOUSE, VARATTIYAKAL,
KUNNAMANGALAM, KOZHIKODE.

BY ADV. SRI.T.R.RAMACHANDRAN NAIR
SRI.V.G.ARUN
GOVERNMENT PLEADER SRI.T.T.MUHAMOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE REQUEST DATED 04-12-02 WITH RELEVANT ANNEXURE**
EXT.P2	**TRUE COPY OF THE REQUEST DATED 30-05-05 OF THE THIRD RESPONDENT.**
EXT.P3	**TRUE COPY OF THE NOTICE DATED 28-6-06 FROM THE SECOND RESPONDENT.**
EXT.P4	**TRUE COPY OF THE REPLY OF THE PETITIONER DATED 10-7-06**
EXT.P5	**TRUE COPY OF THE SAID ORDER OF THE SECOND RESPONDENT DATD 1-8-06**

RESPONDENT'S EXHIBITS

EXT.R3(A)	**TRUE COPY OF THE APPLICATION DATED 16-12-97 AND THE FORWARDING LETTER.**
EXT.R3(B)	**TRUE COPY OF THE ACK. CARD DATED 21-11-03**
EXT.R3(C)	**TRUE COPY OF THE REPRESENTATION DATED 25-7-06**

/True Copy/

K.M.JOSEPH, J.

- -

WP.(C) No.22113 OF 2006

- -

Dated this the 18th day of December, 2006

JUDGMENT

Petitioner challenges Ext.P5 order. By Ext.P5, the second respondent has directed that the third respondent is liable to be appointed and further declares that the approval already granted to the teachers appointed on 5.6.2006 are cancelled. One of the contentions taken against Ext.P5 is that the petitioner was not heard.

2. Heard counsel for the third respondent and the Government Pleader. It would appear that there is no specific denial of the allegation that petitioner was not heard in both the counter affidavits. In such circumstances, I feel that the order, Ext.P5 cannot be sustained for the only reason that the petitioner was not heard. I leave open the contentions of the parties.

Accordingly, Ext.P5 is quashed only for the reason that the petitioner was not heard. There will also be a direction to the second respondent to hear the petitioner and the third respondent and take a decision in accordance with law within a period of six weeks from the date of receipt of a copy of this judgment. It is made clear that

approval will not be granted to the appointment of the three teachers made mention of in Ext.P5 till a decision is taken in the matter.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

sb

K.M.JOSEPH, JJ.

- - - - - - - - -- -

W.A. No. OF

- -- - - - - - - - - - - - - - -

JUDGMENT

Dated this the day of February, 2006.